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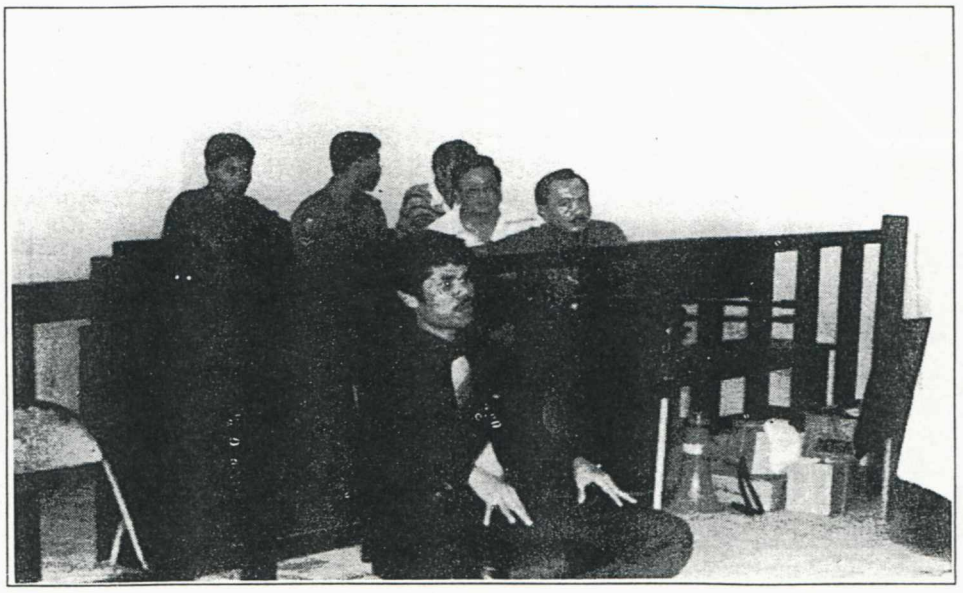
Gregorio da Cunha Saldanha



As a Timorese nationalist youth I feel proud to sit in this defendant's chair...I represent one of the victims of the continuing problem of East Timor. However, I feel very lucky because I still have the chance to speak before I become a corpse, unlike my compatriots of the last 17 years and those slaughtered at Santa Cruz on 12 November 1991. They had no chance to open their mouths like me; they were silenced by bullets and that silence was immediate. They were the true heros.

Extract from the defence statement of Gregorio da Cunha Saldanha, presented to Dili District Court, East Timor, 30 May 1992.

Gregorio da Cunha Saldanha, aged 31 and a nurse at the Bidau General Hospital in East Timor's capital Dili, was arrested on 12 November 1991 during a peaceful demonstration at the Santa Cruz cemetery in Dili. At the demonstration, East Timorese unfurled banners and shouted slogans calling for East Timor's independence from Indonesian rule. Indonesian soldiers opened fire on the crowd of some unarmed 2,000 East Timorese, many of whom were students and other young people. An estimated 270 people were killed during and after the massacre and a further 200 people may have "disappeared". Despite Indonesian Government claims to have investigated the massacre, the fate and whereabouts of the dead and missing have yet to be properly clarified.

Gregorio was arrested at the Santa Cruz cemetery after being shot and wounded by Indonesian soldiers. At the end of December 1991 the police chief in East Timor told the press that Gregorio had been seen "*holding a microphone and giving instructions to the demonstrators*".[10] According to the authorities, Gregorio's main "*crimes*" were his organization of the demonstration which ended with the Santa Cruz massacre, and his membership of a group known as the *Comitě Ejecutivo* (CE), which had assigned to him the

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[10] *Jakarta Post*, 30 December 1991.

task of leading the Santa Cruz demonstration. In a blatant distortion of the facts, the prosecution argued that the actions of Gregorio and other members of the CE had "*caused*" the deaths of the 50 people killed on 12 November because they had encouraged East Timorese to demonstrate against Indonesian Government rule in East Timor.[11]

At his trial, which began in March 1992, Gregorio was accused of being the principal organizer of the Santa Cruz demonstration. He was charged and convicted under Indonesia's sweeping Anti-Subversion Law and sentenced to life imprisonment. Like all political trials in Indonesia and East Timor, Gregorio's was highly unfair and it appears that at least some of the evidence against him was extracted under duress. Throughout the trial Gregorio denied charges of subversion. He acknowledged that he had engaged in peaceful and open activities for East Timor's independence from Indonesian rule. He is a prisoner of conscience.In his defence statement before the Dili District Court, Gregorio acknowledged that he was a member of the CE. He told the court that this group had been formed on behalf of the East Timorese resistance organization, the *Consejo nacional da resistência maubere* (CNRM). Members of the CE were to act as a mediator for the CNRM in open, UN-sponsored negotiations, along with the Indonesian and Portuguese Governments. Gregorio denied having taken part in "*clandestine*" meetings, saying that they had all been held openly, in friends' homes and at local beaches. He declared that members of the CE were prepared to accept any solution for the political status of East Timor, so long as the decision was taken freely. His statement read, in part:

> ***[We] believe the best future for East Timor is FREEDOM according to fundamental human rights...however, we are well aware that other roads to the future may be chosen by our people, as is also their right. We do not dismiss the possibility of accepting and respecting any choice made by our people as long as the choice is made in a safe, free, democratic situation under the auspices of the UN.***

During his trial Gregorio was shown various articles the security forces said were captured during the demonstration. These included a megaphone, flags and a camera, as well as firearms, grenades and sharp weapons. Gregorio said that he recognized the megaphone, flags and camera, but told the court that not one demonstrator had carried a firearm or any other weapon. The press reported that he asked the judges for a video recording of the demonstration to be shown, but that the judges replied "*it was not necessary*" to show the film.[12] In respect of the Santa Cruz demonstration Gregorio said that his role in the CE was also to prepare banners for the Santa Cruz demonstration and to contact East Timorese youth and not to incite the demonstrators. He admitted that during the demonstration he had used a megaphone, but said he had done so to urge the people to remain calm and quiet.

While in court, Gregorio withdrew the statements he had made during the pre-trial investigation, saying that he had been forced to say what the interrogator wanted, and that this was "*not according to the true facts*". He told the court that after his arrest, while detained at the police station in Comoro, Dili, he was interrogated day and night, despite being weak from his gunshot wound. He said that during one such session he was hit by the Deputy Police Chief of Dili in the presence of the Public Prosecutor and other members of the prosecution. The beating was aimed at forcing him to reveal the names of East Timorese who supported the independence movement. He recounted that:

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[11] Despite a wealth of evidence pointing to the killing of an estimated 270 people by Indonesian troops, during and after the Santa Cruz massacre, the Indonesian Government has claimed that "about 50" people were killed.

[12] *Jawa Pos*, 12 May 1992.

Because I could no longer bear this inhumane treatment, and because I was weakened by my gunshot wound, I carelessly gave names of high officials, priests and business owners who knew nothing and had no link with me, following the saying "as long as the boss is happy".

In April 1994, Gregorio and five other East Timorese prisoners managed to stage a small pro-independence protest during a visit to Comarca prison by foreign journalists. Shortly after this incident distressed family members reported that six prisoners had been removed from the prison and were feared to have "disappeared".[13] Relatives who had paid a visit to the prison were reportedly told by other prisoners that the six had been led away in handcuffs by a unit of the Police Mobile Brigade in the early hours of 10 June. By 12 June relatives had been unable to locate the six at other prisons and military installations in Dili, and the authorities denied knowledge of their whereabouts.

On 13 June Ministry of Justice officials announced that the six had indeed been taken from their cells, and transferred to a prison in Semarang, Central Java. The move came just prior to a visit to East Timor by the UN Special Rapporteur on extrajudicial, summary and arbitrary executions and was widely believed to have been intended to prevent the prisoners from meeting with him. The six have remained in Semarang, hundreds of miles from home, making it extremely difficult for relatives and friends to visit them.

Amnesty International is calling for the immediate and unconditional release of Gregorio de Cunha Saldanha and the five other East Timorese convicted for organizing the Santa Cruz demonstration.

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[13] The six were: Francisco Miranda Branco, Filomena da Silva Pereira, Gregorio da Cunha Saldanha, Jacinto das Neves Raimundo Alves, Juvêncio de Jesus Martins and Saturnino da Costa Belo.

Gregorio da Cunha Saldanha - Factfile

Age:	28 when arrested.
Occupation:	Male nurse at Bidau General Hospital, Dili, from 1985 to 1991.
Arrest:	12 November 1991, Dili, East Timor
Accused of:	Being principal organizer of the Santa Cruz demonstration on 12 November 1991.
Charge:	Subversion
Legislation:	Anti-Subversion law
Trial:	Dili District Court, March to July 1992.
Sentence:	Life imprisonment.
Place of detention:	• 12 to 18 November 1991 Military Hospital Wirahusada. • 18 November 1991 to 20 August 1992 police station, Comoro, Dili • 20 August 1992 to 5 April 1993 Balide military prison • 5 April 1993 to 10 June 1994 Becora civilian prison, Dili. • 10 June 1994, Semarang, Jawa Tengah

Please send brief, courteously-worded letters or postcards:

• urging the government to release Gregorio da Cunha Saldanha immediately and unconditionally on the grounds that he is imprisoned for his peaceful activities in support of East Timor's independence from Indonesian rule.

Send your letters to:

President Suharto	Ali Alatas
Presiden RI	Minister of Foreign Affairs
Istana Negara	Menteri Luar Negeri
Jalan Veteran	Medan Taman Pejambon 6
Jakarta Pusat	Jakarta
Indonesia	Indonesia

Please do not attempt to write directly to any prisoner. This may result in harassment or even ill-treatment.

Saturnino da Costa Belo

Because of the demand he made to the Indonesian Government while at the court to respect human rights in East Timor he was severely beaten and interrogated by the military police. They threatened him by placing the barrel of a pistol in his ear and he was put in a cell and left there in total darkness...Since he continued to refuse to apologise to the judge and did not admit to any wrongdoing, he was never again brought to the court as a witness on the grounds that he was ill, when in fact he was not ill at all.

Extract from a letter smuggled out of East Timor in August 1993. The extract describes what happened to Saturnino da Costa Belo after he testifed at the trial of East Timorese resistance leader, Xanana Gusmão, in March 1993.

Saturnino da Costa Belo was arrested on 30 November 1991 in Dili, East Timor after a peaceful demonstration at the Santa Cruz cemetery in Dili. At the demonstration, East Timorese unfurled banners and shouted slogans calling for East Timor's independence from Indonesian rule. Indonesian soldiers opened fire on the crowd of some unarmed 2,000 East Timorese, many of whom were students and other young people. An estimated 270 people were killed during and after the massacre and a further 200 people may have "disappeared". Despite Indonesian Government claims to have investigated the massacre, the fate and whereabouts of the dead and missing have yet to be properly clarified.

In June 1992 Saturnino was convicted and sentenced to nine years' imprisonment for helping to organize the Santa Cruz demonstration. He is a prisoner of conscience. Saturnino was tortured immediately after his arrest, while held in prison in Baucau; and he has since been periodically tortured by Indonesian military and police authorities. Seven other East Timorese were sentenced to long prison terms for organizing or participating in the demonstration. None of them were charged with any violent or recognizably criminal act. The activities put forward as evidence of subversion involved the dissemination of information about politics and human rights in East Timor and the organization of peaceful protest against Indonesian rule.

Saturnino was arrested in Baucau, on 30 November 1991, along with his brothers, **Alcino Freitas Vital** and **Custodio Freitas**. The two brothers were released some weeks later, but Saturnino remained in detention in Baucau. In the immediate aftermath of his arrest he was badly beaten. He was also held in virtual isolation, refused permission to go outside and forbidden from receiving family visits. While on trial, in mid-1992, Saturnino declared in court that he opposed Indonesian rule in East Timor; as a result he was frequently refused food on successive days by prison officials. During the trial his home was put under military surveillance and many of his possessions, including a radio, kitchen knives, clothes, shoes and money were seized by the military.

In November 1992, after his trial and conviction in Baucau, Saturnino was transferred to Balide military prison. The other East Timorese activists imprisoned for organizing the Santa Cruz demonstration had been transferred to Balide in August 1992. A confidential source has reported that between August and January 1993 all these prisoners were held in total isolation. Military authorities did not allow any court documents into the cells and pens and paper were forbidden, effectively preventing the prisoners from appealing to the court against their conviction.

In March 1993, Saturnino was brought to testify at the trial of East Timor's resistance leader, Xanana Gusmão. While in court, he shouted *Viva Timor Leste!* (long live East Timor), and "*I ask the Government of Indonesia to respect human rights in East Timor*", and other pro-independence slogans. The hearing was suspended and he was taken away. Later that day an army doctor reportedly told the court that Saturnino was "*mentally disturbed*" and not fit to appear in court. He was subsequently taken to the military hospital in Lahane and from there to Balide prison, where he was placed in solitary confinement. He is reported to have been told by his military captors that, should he try something of that kind again, he would be shot on the spot. A week later the presiding judge stated that Saturnino was "*unwell*" and could not testify in person, so his interrogation report was read out in the court. Subsequent information confirmed fears that he was subjected to threats and ill-treatment after appearing in court.

The Santa Cruz prisoners managed to stage a small pro-independence protest during a visit to Comarca prison by foreign journalists in April 1994. During the visit the prison authorities apparently hid Saturnino and he was not seen by the journalists. Shortly after this incident distressed family members reported that six prisoners, including Saturnino, had been removed from the prison and were feared to have "disappeared".[14] Relatives who had paid a visit to the prison were reportedly told by other prisoners that the six had been led away in handcuffs by a unit of the Police Mobile Brigade in the early hours of 10 June. By 12 June relatives had been unable to locate the six at other prisons and military installations in Dili, and the authorities denied knowledge of their whereabouts.

On 13 June Ministry of Justice officials announced that the six had indeed been taken from their cells, and transferred to a prison in Semarang, Central Java. The move came just prior to a visit to East Timor by the UN Special Rapporteur on extrajudicial, summary and arbitrary executions and appears to have been intended to prevent the prisoners from meeting with him. The six have remained in Semarang, hundreds of miles from home, making it extremely difficult for relatives and friends to visit them.

Amnesty International is calling for the immediate and unconditional release of Saturnino da Costa Belo.

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[14] The six were: Francisco Miranda Branco, Filomena da Silva Pereira, Gregorio da Cunha Saldanha, Jacinto das Neves Raimundo Alves, Juvêncio de Jesus Martins and Saturnino da Costa Belo.

Saturnino da Costa Belo - Factfile

Age:	30 years old at time of arrest.
Occupation:	Not known
Arrest:	30 November 1991, Dili, East Timor
Accused of:	Being an organizer and participant in the Santa Cruz demonstration on 12 November 1991, and thus "undermining the unity of the Indonesian nation".
Legislation:	Articles 154 and 155 of Indonesia's Criminal Code, which define the "public expression of feelings of hostility, hatred or contempt toward the Government of Indonesia" as a criminal offence".
Trial:	Baucau District Court, June 1992.
Sentence:	Nine years' imprisonment
Place of detention:	• 30 November 1991 to November 1992, held in detention in Baucau. • November 1992 to April 1993 held in Balide military prison (formerly Comarca), Dili. • April 1993 to 10 June 1994 Becora civilian prison, Dili. • 10 June 1994, Semarang, Jawa Tengah

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Please send brief, courteously-worded letters or postcards

• urging the government to release Saturnino da Costa Belo immediately and unconditionally on the grounds that he is imprisoned for his peaceful activities in support of East Timor's independence from Indonesian rule.

• expressing concern that he has been tortured and threatened in prison.

Send your letters to:

President Suharto
Presiden RI
Istana Negara
Jalan Veteran
Jakarta Pusat
Indonesia

Ali Alatas
Minister of Foreign Affairs
Menteri Luar Negeri
Medan Taman Pejambon 6
Jakarta
Indonesia

Please do not attempt to write directly to any prisoner. This may result in harassment or even ill-treatment.

Jose Antonio Neves

We should never believe that it is all just a question of human rights...any fact, however trivial, will be manipulated for political purposes.

Indonesian armed forces spokesman comment on Jose Antonio Neves' efforts to send information about human rights abuses to the international community.
***Surabaya Post*, 21 July 1994**

Jose Antonio Neves, an East Timorese student and human rights activist, was arrested in Malang, East Java on 19 May 1994. A leading member of the East Timorese pro-independence movement, and a student at a theological institute in Malang, Jose was arrested by military intelligence authorities at the main post office in Malang and taken to a military safehouse. He was subsequently transferred to police custody. In October 1994 Jose was brought to trial on charges of anti-government activities, in part because of attempts to send information about human rights violations in East Timor to foreign organizations. If convicted he faces a life sentence. He is a prisoner of conscience.

Colleagues said that Jose had recently returned from East Timor where he had been gathering information about human rights violations and political developments, and that on his return to Malang he had hoped to make this available to the international community. At the time of his arrest Jose was carrying a letter from the current leader of the guerilla resistance, Konis Santana. The letter was to be read out at a conference on East Timor which took place in Manila in early June.

In July 1994 an Indonesian newspaper reported that documents for the case against Jose had been handed over by the police to the Malang District Court. The same article reported that Jose had been involved in rebellious activities such as sending news about East Timor abroad. The same article said that Jose had been arrested after a military official had grown suspicious of Jose when he was seen at a post office sending a letter abroad. The letter was to an address in Germany and was said to have "vilified" Indonesia.[15]

Jose's trial began on 12 October 1994 at Malang District Court. He was accused of "establishing contacts with, among others, human rights groups in Australia and Japan to express his opposition to integration [of East Timor with Indonesia]". Jose was charged under Article 106 of the Criminal Code, which defines the attempt to separate part of the

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[15] *Surabaya Post*, 21 July 1994.

territory of the state of Indonesia as a crime punishable by life or 20 years' imprisonment. He was also charged under Articles 155 and 157 of the Criminal Code, which describe the public expression of "feelings of hostility, hatred or contempt towards the Government of Indonesia", as criminal offences. A verdict is expected on 11 January 1995.

Amnesty International is calling for the immediate and unconditional release of Jose Antonio Neves.

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Jose Antonio Neves - Factfile

Age:	38 years old.
Occupation:	Student at the Institute of Theology, Malang, East Java
Date and place of arrest:	19 May 1994, Malang
Charge:	Establishing contacts with human rights groups in Australia and Japan to express opposition to Indonesian rule in East Timor.
Legislation:	• Article 106 of the Criminal Code, which defines the attempt to separate part of the territory of the state of Indonesia as a crime punishable by life imprisonment or 20 years. • Articles 155 and 157 of the Criminal Code, which describe the public expression of "feelings of hostility, hatred or contempt towards the Government of Indonesia", as an offence punishable by 4 years, 6 months; and 2 years, 6 months imprisonment respectively.
Trial:	Began 12 October 1994 at Malang District Court
Sentence:	Verdict expected 11 January 1995
Place of detention:	POLRES Malang, police station.

Please send brief, courteously-worded letters or postcards:

• appealing to the government to release Jose Antonio Neves immediately and unconditionally;

• saying you believe he is imprisoned for trying to inform the international community of human rights abuses in East Timor; and for non-violent activities in support of East Timor's independence from Indonesian rule.

Send your letters to:

President Suharto	Ali Alatas
Presiden RI	Minister of Foreign Affairs
Istana Negara	Menteri Luar Negeri
Jalan Veteran	Medan Taman Pejambon 6
Jakarta Pusat	Jakarta
Indonesia	Indonesia

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